



*United States Attorney
Southern District of New York*

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**BRONX DENTIST ARRESTED BY U.S. FOR SUBMITTING
FRAUDULENT CLAIMS FOR PERIODONTAL TREATMENT**

DAVID N. KELLEY, the United States Attorney for the Southern District of New York, and MARK MERSHON, the Assistant Director In Charge of the New York Office of the Federal Bureau Of Investigation ("FBI"), announced that BARRY LITT, a dentist in the Bronx, was arrested today on charges of health care fraud and false statements relating to health care matters.

A criminal Complaint unsealed today in Manhattan federal court charges LITT with submitting numerous false claims for reimbursement to Medicaid and approximately 20 different private insurance companies for a dental procedure known as periodontal scaling and root planing ("PSRP").

According to the allegations in the Complaint, PSRP is a treatment for individuals who suffer from periodontal disease, a condition marked by inflammation of the gums, detachment of the gums from the tooth, and bone loss. In a PSRP procedure, which is typically performed on only one quadrant, or quarter, of the mouth at a time, a dentist uses dental instruments to remove plaque and

calculus, according to the Complaint. Also according to the Complaint, due to the difficulty of the procedure and the pain associated with it, dentists typically perform PSRP on no more than two quadrants of the mouth in a single patient visit, and a patient's mouth generally needs time to heal before the procedure can be done again.

The Complaint charges that from at least January 1998 through at least October 2004, LITT submitted numerous phony claims for PSRP procedures that he never performed. According to the Complaint, the FBI has conducted interviews of approximately 40 of LITT's patients for whom LITT claimed payment for PSRP procedures. All but one of these patients stated that they never had PSRPs performed in any of their visits to LITT's office. One patient described a procedure that LITT performed that was consistent with PSRP, but the patient stated that s/he only had this procedure done once. The Complaint, however, alleges that claim records indicate that LITT sought reimbursement for PSRPs for this patient approximately six times over a nearly three-year period.

The Complaint also alleges that Guardian Insurance Company of America ("Guardian") conducted a review of LITT's claims for reimbursement for PSRPs. During that review, LITT is alleged to have admitted to a Guardian representative that he and the staff of his dental office changed the dates of service on claim forms submitted to Guardian because Guardian does not reimburse claims

for four quadrants of PSRP in a single dental visit. In addition, a large number of claim forms LITT submitted to insurance companies were altered by hand in the sections of the forms pertaining to the dates PSRPs were performed, it is alleged.

Among the insurance companies to which LITT allegedly submitted fraudulent PSRP claims are Guardian, Aetna, Cigna, Met Life, and Empire Blue Cross Blue Shield. The Complaint also alleges that LITT submitted fraudulent claims to Medicaid.

LITT, age 56, resides in Pomona, New York.

LITT is charged in the Complaint with one count of health care fraud and one count of false statements in connection with health care matters. Upon conviction, the health care fraud count carries a maximum sentence of 10 years' imprisonment and a maximum fine of \$250,000 or twice the gross gain or loss resulting from the offense. The false statements count carries a maximum sentence of 5 years' imprisonment and a maximum fine of \$250,000 or twice the gross gain or loss resulting from the offense.

Assistant United States Attorney JONATHAN ABERNETHY is in charge of the prosecution.

The charges contained in the Complaint are merely accusations, and the defendant is presumed innocent unless and until proven guilty.

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